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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,771	01/09/2002	Stuart Hall	10020244-1	6940

7590 08/09/2004

AGILENT TECHNOLOGIES, INC.
Legal Department , DL429
Intellectual Property Administration
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EXAMINER

SUN, XIUQIN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,771	HALL, STUART	
	Examiner	Art Unit	
	Xiuqin Sun	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5 and 6 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (U.S. Pat. No. 5953009) in view of Kauffert et al. (U.S. Pat. No. 5831598).

Alexander et al. teach a method comprising: receiving one or more input signals and generating measurement information related to said input signals using a measurement device (Abstract; Figs. 1 and 2; col. 7, lines 3-23, lines 58-67 and col. 8, lines 1-45); displaying the measurement information using a display coupled with the measurement device (Abstract; Figs. 3A-3H; col. 8, lines 9-21 and col. 9, lines 49-68 and col. 10, lines 1-3); controlling a respective operation of the measurement device using a control panel having a plurality of keys each coupled with the measurement device (Abstract; Fig. 1; col. 1, lines 66-67 and col. 2, lines 1-22).

Alexander et al. do not disclose: sensing duration of key activation during which a user activates a key of the plurality of keys of the control panel; and initiating the respective operation of the measurement device in response to each

Art Unit: 2863

key activation, when the duration of key activation is less than a predetermined amount of time; and displaying help screen information in context of the respective operation of the measurement device in response to each key activation, when the duration of key activation is greater than the predetermined amount of time.

Kauffert et al. teach a method of facilitating the operation of terminals equipped with function keys, including the steps of: sensing duration of key activation during which a user activates a key of the plurality of keys of the control panel; initiating the respective operation of the terminals in response to each key activation, when the duration of key activation is less than a given amount of time; and displaying help screen information in context of the respective operation of the terminals in response to each key activation, when the duration of key activation is greater than the given amount of time (col. 1, lines 24-30, lines 50-54, lines 60-61, lines 65-67; col. 2, lines 1-11, lines 37-40, lines 55-59; cols. 3-4, lines 20-12; col. 5, lines 7-11 and col. 6, lines 45-52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Kauffert et al. in the invention of Alexander et al. in order to facilitate the operation of the measurement device in which fewer keystrokes are required and which results in an optimized operating sequence (Kauffert et al., Abstract and col. 1, lines 50-54).

Art Unit: 2863

Kauffert et al. do not mention that said given amount of time is predetermined. Kauffert et al. teaches that the keys can be depressed for an adjustable time (col. 5, lines 10-12).

It is obvious to one having ordinary skill in the art that the teaching of Kauffert et al. that said amount of time is adjustable is more broad, in the sense that the time threshold for invoking the help screen can be reset from a predetermined default value given by the manufacturer. One of ordinary skill in the art at the time the invention was made would simply fix the setting of this threshold at a predetermined value in order to practice an easy implementation.

Allowable Subject Matter

3. Claims 1, 2, 5 and 6 are allowed.
4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1 and 2 is the inclusion of the limitations of a timer coupled with the control panel for sensing duration of key activation during which a user activates a key of the plurality of keys of the control panel; and a controller coupled with a control panel and the timer for initiating the respective operation of the measurement device in response to each

Art Unit: 2863

key activation, when the duration of key activation is less than a predetermined amount of time. It is these limitations found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which make these claims allowable over the prior art.

The primary reason for the allowance of claims 5 and 6 is the inclusion of the limitation of a controller coupled with a control panel and including a timer for sensing duration of key activation during which a user activates a key of the plurality of keys of the control panel. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing

Art Unit: 2863

date of this final action.

Response to Arguments

7. Applicant's arguments filed 06/28/2004 have been fully considered but they are not persuasive. Claim 3 is rejected for the reason set forth in sections 1 and 2 above.

Applicant's arguments with respect to claims 1, 2, 4-6 have been considered and they are persuasive. Therefore, claims 1, 2, 5 and 6 are allowed and claim 4 is indicated as containing allowable subject matter.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

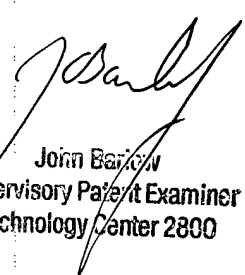
Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiuqin Sun
Examiner
Art Unit 2863

XS

August 4, 2004


John Barlow
Supervisory Patent Examiner
Technology Center 2800